

Honolulu, Hawaii

Feb 26, 2010

RE: H.B. No. 2935  
H.D. 3

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 2935, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES,"

begs leave to report as follows:

The purpose of this bill is to protect employees by making it an unlawful practice for an employer or labor organization to bar or discharge from employment, withhold pay from, or demote an employee because the employee legitimately uses accrued and available sick leave in accordance with the employer's attendant and negotiated sick leave policies, except for the abuse of sick leave. The bill provides exceptions to the prohibition if the employee is unable to fulfill the essential job functions or requirements of the employee's position.

The Hawaii State AFL-CIO; ILWU Local 142; International Brotherhood of Electrical Workers (IBEW); IBEW Local 1260; United Public Workers AFSCME, Local 646, AFL-CIO; Pride At Work Hawaii; and Hawaii Government Employees' Association, AFSCME Local 152, AFL-CIO testified in support of this bill. The Department of Human Resources Development; Office of Collective Bargaining; National Federation of Independent Business; The Chamber of Commerce of Hawaii; Society for Human Resource Management-Hawaii Chapter; Hawaii Credit Union League; Hawaiian Electric Company, Inc.; Hawaii Electric Light Company, Inc.; Maui Electric Company; and Hawaiian Telcom testified in opposition to this measure. The Department of Labor and Industrial Relations offered comments.

HB2935 HD3 HSCR FIN HMS 2010-2102

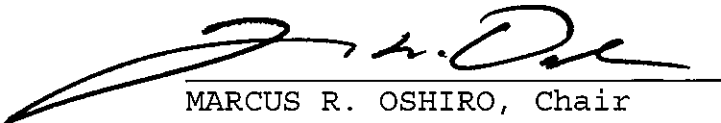


Your Committee has amended this bill by:

- (1) Limiting the provisions to employers who have:
  - (A) A collective bargaining agreement with their employees; and
  - (B) 100 or more employees;and
- (2) Changing the effective date to July 1, 2020.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2935, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2935, H.D. 3.

Respectfully submitted on  
behalf of the members of the  
Committee on Finance,

  
MARCUS R. OSHIRO, Chair



